

CASREF,CLOSED

**United States District Court  
District of Massachusetts (Boston)  
CIVIL DOCKET FOR CASE #: 1:12-cv-11903-PBS**

Luke v. U.S. Department of Justice  
Assigned to: Chief Judge Patti B. Saris  
Referred to: Ch. Magistrate Judge Leo T. Sorokin  
Cause: 05:552 Freedom of Information Act

Date Filed: 10/11/2012  
Date Terminated: 07/01/2013  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****Theresa H. Luke**

represented by **Theresa H. Luke**  
292 Allerton Commons Lane  
Braintree, MA 02184  
PRO SE

V.

**Defendant****U.S. Department of Justice**

represented by **Jennifer A. Serafyn**  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

| Date Filed | #        | Docket Text                                                                                                                                                                                                                                                                                                                                                                |
|------------|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10/11/2012 | <u>1</u> | COMPLAINT against U.S. Department of Justice, filed by Theresa H. Luke. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Civil Cover Sheet & Category Form)(Danieli, Chris) (Entered: 10/11/2012)                                                                                                                                                                            |
| 10/11/2012 | <u>2</u> | General Order 09-1, dated January 6, 2009 regarding the E-Government Act and Personal Identifiers entered. (Danieli, Chris) (Entered: 10/11/2012)                                                                                                                                                                                                                          |
| 10/11/2012 | 3        | ELECTRONIC NOTICE of Case Assignment. Judge Patti B. Saris assigned to case. If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Chief Magistrate Judge Leo T. Sorokin. (Abaid, Kimberly) (Entered: 10/11/2012)                                                                            |
| 10/11/2012 | <u>4</u> | Summons Issued as to U.S. Department of Justice. <b>Counsel receiving this notice electronically should download this summons, complete one for each defendant and serve it in accordance with Fed.R.Civ.P. 4 and LR 4.1. Summons will be mailed to plaintiff(s) not receiving notice electronically for completion of service.</b> (Danieli, Chris) (Entered: 10/11/2012) |
| 10/12/2012 | 5        | Filing fee/payment: \$ 350.00, receipt number 1BST033594 for <u>1</u> Complaint (Adam, Lucien) (Entered: 10/12/2012)                                                                                                                                                                                                                                                       |
| 11/20/2012 | <u>6</u> | AFFIDAVIT of Service as to U.S. Department of Justice by Theresa H. Luke. (Anderson, Jennifer) Modified docket text on 12/11/2012 (Anderson, Jennifer). (Entered: 11/21/2012)                                                                                                                                                                                              |
| 12/04/2012 | <u>7</u> | Judge Patti B. Saris: ORDER entered REFERRING CASE to Ch. Magistrate Judge Leo T. Sorokin. Referred for: Full Pretrial, Dispositive Motions (ptd). (Anderson, Jennifer) (Entered: 12/04/2012)                                                                                                                                                                              |

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| 01/08/2013 | <u>8</u>  | Ch. Magistrate Judge Leo T. Sorokin: ORDER entered. The plaintiff is hereby ORDERED to effect proper service in this action on or before February 8, 2013. See attached. (Robinson, Amy) (Entered: 01/08/2013)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 01/22/2013 | <u>9</u>  | AFFIDAVIT OF SERVICE by Theresa H. Luke. U.S. Department of Justice served on 1/10/2013, answer due 3/11/2013. (Anderson, Jennifer) (Entered: 01/23/2013)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 01/28/2013 | <u>10</u> | AFFIDAVIT OF SERVICE re Service on Attorney General Eric Holder by Theresa H. Luke. (Anderson, Jennifer) (Entered: 01/28/2013)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 02/21/2013 | <u>11</u> | NOTICE of Appearance by Jennifer A. Serafyn on behalf of U.S. Department of Justice (Serafyn, Jennifer) (Entered: 02/21/2013)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 03/11/2013 | <u>12</u> | MOTION for Extension of Time to April 8, 2013 to File Answer <i>or Otherwise Respond to the Complaint</i> by U.S. Department of Justice.(Serafyn, Jennifer) (Entered: 03/11/2013)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 03/12/2013 | 13        | Ch. Magistrate Judge Leo T. Sorokin: ELECTRONIC ORDER entered granting <u>12</u> Motion for Extension of Time to Answer re <u>1</u> Complaint U.S. Department of Justice answer due 4/8/2013. (Simeone, Maria) (Entered: 03/12/2013)                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 04/08/2013 | <u>14</u> | MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>or, in the Alternative, for Summary Judgment</i> by U.S. Department of Justice.(Serafyn, Jennifer) (Entered: 04/08/2013)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 04/08/2013 | <u>15</u> | MEMORANDUM in Support re <u>14</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>or, in the Alternative, for Summary Judgment</i> filed by U.S. Department of Justice. (Attachments: # <u>1</u> Exhibit Declaration)(Serafyn, Jennifer) (Entered: 04/08/2013)                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 04/18/2013 | <u>16</u> | Opposition (re request for dismissal) re <u>14</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>or, in the Alternative, for Summary Judgment</i> filed by Theresa H. Luke. (Anderson, Jennifer) (Entered: 04/18/2013)                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 04/18/2013 | <u>17</u> | Opposition (re request for Summary Judgment) re <u>14</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>or, in the Alternative, for Summary Judgment</i> filed by Theresa H. Luke. (Anderson, Jennifer) (Entered: 04/18/2013)                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 04/18/2013 | <u>18</u> | MOTION for Hearing re <u>14</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>or, in the Alternative, for Summary Judgment</i> by Theresa H. Luke.(Anderson, Jennifer) (Entered: 04/18/2013)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 04/30/2013 | <u>19</u> | EXHIBIT re <u>15</u> Memorandum in Support of Motion ( <i>Exhibits A through D to William E. Bordley Declaration</i> ) by U.S. Department of Justice. (Serafyn, Jennifer) (Entered: 04/30/2013)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 05/01/2013 | <u>20</u> | Ch. Magistrate Judge Leo T. Sorokin: ORDER entered re: <u>18</u> Motion for Hearing. The Motion is ALLOWED. The Court will hold a hearing on the defendant's motion to dismiss on May 15, 2013 at 2:00 pm. See attached Order.(Robinson, Amy) (Entered: 05/01/2013)                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 05/01/2013 | 21        | Set/Reset Deadlines as to <u>14</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>or, in the Alternative, for Summary Judgment</i> . Motion Hearing set for 5/16/2013 at 02:00 PM in Courtroom 24 before Ch. Magistrate Judge Leo T. Sorokin. (Robinson, Amy) (Entered: 05/01/2013)                                                                                                                                                                                                                                                                                                                                                                                                        |
| 05/16/2013 | <u>22</u> | MOTION for Clarification of Issue Regarding Exemption Under the FOIA Pursuant to 5 USC sec. 552(b)(3) by Theresa H. Luke. (Attachments: # <u>1</u> Affidavit) (Anderson, Jennifer) (Entered: 05/16/2013)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 05/16/2013 | 23        | ELECTRONIC Clerk's Notes for proceedings held before Ch. Magistrate Judge Leo T. Sorokin: Motion Hearing held on 5/16/2013; Court hears the oral argument of the parties and will take the matter under advisement. re <u>22</u> MOTION for Clarification filed by Theresa H. Luke, <u>18</u> MOTION for Hearing re <u>14</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>or, in the Alternative, for Summary Judgment</i> filed by Theresa H. Luke. (Court Reporter: Digital Recording – For transcripts or CDs contact Deborah Scalfani by email at <a href="mailto:deborah_scalfani@mad.uscourts.gov">deborah_scalfani@mad.uscourts.gov</a> .) (Simeone, Maria) (Entered: 05/16/2013) |

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| 05/17/2013 | <u>24</u> | Ch. Magistrate Judge Leo T. Sorokin: ORDER entered. REPORT AND RECOMMENDATIONS re <u>14</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>or, in the Alternative, for Summary Judgment</i> filed by U.S. Department of Justice, and <u>22</u> MOTION for Clarification filed by Theresa H. Luke. Recommendation: The Motion to Dismiss should be ALLOWED, and the Motion for Clarification should be DENIED. See attached ROjections to RRdue by 5/31/2013. (Robinson, Amy) (Entered: 05/17/2013) |
| 07/01/2013 | <u>25</u> | Chief Judge Patti B. Saris: ORDER ON REPORT AND RECOMMENDATIONS entered. Action on motion: ADOPTING <u>24</u> Report and Recommendations and GRANTING <u>14</u> Motion to Dismiss for Failure to State a Claim. "I ADOPT the Report and Recommendation without opposition and dismiss the action." (Anderson, Jennifer) (Entered: 07/01/2013)                                                                                                                                                         |
| 07/01/2013 | <u>26</u> | Chief Judge Patti B. Saris: ORDER entered. ORDER DISMISSING CASE. (Anderson, Jennifer) (Entered: 07/01/2013)                                                                                                                                                                                                                                                                                                                                                                                          |